

CIVIL SERVICE COMMISSION MINUTES
SEPTEMBER 2, 2009

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas
Francesca Krauel
W. Dale Bailey
William O'Connor

Absent was:

Barry I. Newman

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer
William D. Smith, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

Approved
Civil Service Commission

October 7, 2009

SAN DIEGO COUNTY CIVIL SERVICE COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 2, 2009

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters
and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

Discussion Items
4,5

Continued

Referred

Withdrawn
7

COMMENTS: Motion by Bailey to approve all items not held for discussion; seconded by Krauel. Carried.

CLOSED SESSION AGENDA

County Administration Center, Room 400B
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(GOV. CODE SEC. 54956.9(a)) San Diego County Library v.
San Diego County Civil Service Commission, Superior
Court Case No. 37-2009-00085505-CU-WM-CTL.

OPEN SESSION AGENDA

County Administration Center, Room 358

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President. **Please be sure to silence your cell phones and pagers.**

MINUTES

1. Approval of the Minutes of the regular meeting of August 5, 2009.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Bailey: Solita Kampley, Senior Worksite Organizer, SEIU Local 221, on behalf of **Patricia Egipto**, Account Clerk, appealing a Final Order of Suspension and Charges from the Treasurer-Tax Collector's Office.

Confirmed.

3. Commissioner Krauel: Karen Paredes, Worksite Organizer, SEIU Local 221, on behalf of **Anita Lindsey**, Social Worker I, appealing an Order to Demote and Charges (from Protective Services Worker) from the Health and Human Services Agency.

Confirmed.

DISCIPLINE

Appeal

4. **Earnest Davis**, Associate Air Pollution Control Engineer, appealing a Final Order of Suspension and Charges from the Air Pollution Control District.

RECOMMENDATION: Deny Request.

Mr. Davis addressed the Commission regarding the untimely filing of his appeal to a Final Order of Suspension. He explained that he had a flare-up of a medical condition that prevented him from keyboarding.

The Commission asked why he did not telephone into the Commission office to explain his condition and verbally request an appeal until the time in which he could complete his written appeal. Mr. Davis responded that he could have called, however it was near the close of business on a Friday evening and he did not realize at that time that he was going to be unable to keyboard, complete his written appeal and place it in the U.S. mail.

Deputy Sr. County Counsel, William D. Smith, referred to the Velez decision wherein the court determined that good cause is a consideration for allowing the filing of an untimely appeal.

Trish McElhaney, Sr. Departmental Human Resources Officer, explained that Mr. Davis was served in a timely manner, and stated that he was aware of the timeframe in which to file an appeal. She added that good cause does not exist because Mr. Davis had ample time to appeal, as well as having Union representation.

**Motion by Bailey to accept staff recommendation;
seconded by Krauel. Carried.**

**AYES: CASILLAS, KRAUEL, BAILEY
NOES: NONE
ABSENT: NEWMAN
ABSTENTIONS: O'CONNOR**

CITIZEN COMPLAINT

5. **Stephen Novobilsky**, citizen complaint regarding treatment he received from employees in the Department of Housing and Community Development. (Continued from the August 5, 2009 meeting.)

RECOMMENDATION: Deny Request.

Mr. Novobilsky expressed disagreement with the Department's response to the Civil Service Commission's Referral regarding his citizen's complaint.

Rachel Witt, Sr. Deputy County Counsel, addressed the Commission on behalf of the Department. She explained that Mr. Novobilsky's deadline to file a Writ in court was August 26, 2009. As far as the Department is concerned, the facts underlying this complaint are resolved.

**Motion by Bailey to accept staff recommendation;
seconded by Krauel; carried.**

**AYES: CASILLAS, KRAUEL, BAILEY, O'CONNOR
NOES: NONE
ABSENT: NEWMAN
ABSENTIONS: NONE**

OTHER MATTERS

6. Public Input.

INFORMATION

7. Julie Buechler, Esq., on behalf of **2009-07**, withdrawal of appeal of an Order of Termination and Charges from the Sheriff's Department. (Commissioner Newman)

Withdrawn.

ADJOURNED: 3:05 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:

OCTOBER 7, 2009

ASSISTANCE FOR THE DISABLED:

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